

REMARKS

Claims 8-11 and 29-75 are all the claims pending in the application. Claims 9-11 have been amended. Claim 10 has been amended to be re-written in independent form, and claims 9 and 11 have been amended for typographical changes.

Entry of the above amendment is respectfully requested.

Initially, Applicants thank the Examiner for indicating that claim 10 is allowable.

The Examiner is respectfully requested to acknowledge Applicants' claims to foreign and domestic priority under 35 U.S.C. § 119, and to indicate that the certified copies of the priority documents and the sworn translations of the provision application have been received.

On pages 2-3 of the Office Action, claims 8, 9 and 11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 4 of U.S. Patent No. 6,351,370.

Applicants respectfully traverse this rejection based on U.S. Patent No. 6,351,370 for the reason that it is improper.

U.S. Patent No. 6,351,370 issued from application no. 09/233,451, which is the parent application of the present application. The Examiner in the parent case required a Restriction Requirement between claims 1-28 and 29-75. After Applicants elected claims 1-28, the Examiner required an Election of Species and Applicants elected claims 1-7 and 12-28.

The present application is a divisional of the parent application and is directed to non-elected claims 8-11.

Therefore, the double-patenting rejection is improper under 35 U.S.C. § 121, which prohibits the use of a patent issuing on an application with respect to which a requirement for

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/963,331

Attorney Docket Q66049

restriction has been made as a reference against any divisional filed before the issuance of the patent.

Accordingly, withdrawal of the foregoing rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Keiko K. Takagi
Registration No. 47,121

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